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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,391	12/03/2003	Girma Gebreselassie	998-904DV	5606
20792	7590	12/23/2004	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC .			OMGBA, ESSAMA	
PO BOX 37428			ART UNIT	
RALEIGH, NC 27627			PAPER NUMBER	
			3726	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,391

Applicant(s)

GEBRESELAASSIE ET AL.

Examiner

Essama Omgba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-64 is/are pending in the application.
- 4a) Of the above claim(s) 59-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/03/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of the invention of Group I, claims 43-58 in the reply filed on September 27, 2004 is acknowledged. The traversal is on the ground(s) that the nature of the subject matter is such that it will enable the examiner to search the claims of Group I and Group II together, and that searching claims of Group I and Group II together would not create an undue hardship on the examiner. This is not found persuasive because as outlined in the restriction requirement, the inventions are classified in two different distinct classes and the search required for Group II is not required for Group I, therefore searching both Group I and Group II would indeed create an undue burden on the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 48 and 50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 48 recites the limitation "the substrate first edge portion" in line 3. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 50 recites the limitation "the substrate second edge portion" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claim 51 is rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's Admitted Prior Art (AAPA).

Applicant, at pages 1-4 of the specification to be known as AAPA, discloses a method of installing a vehicle cockpit assembly within a passenger compartment of a vehicle, wherein the passenger compartment is separated from a engine compartment by a

firewall, wherein the passenger compartment comprises a floor, and wherein a dash board configured to be attached to the firewall includes upper and lower substrates (the acoustical absorber and the barrier sheet), the upper and lower substrates being joined together and being attached to the firewall, with an instrument panel being attached to an upper edge of the dash insulator and a floor covering being attached to a lower edge of the dash insulator. Applicant should note that it is inherent that the upper and lower substrates of AAPA will define opposite first and second surfaces and opposite first and second edge portions as well as opposite third and fourth surfaces and opposite third and fourth edge portions.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 43, 46, 47, 49 and 50 51-56 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Nemeto et al. (US Patent 6,102,465).

With regards to claim 43, Applicant, at pages 1-4 of the specification to be known as AAPA, discloses a method of installing a vehicle cockpit assembly within a passenger compartment of a vehicle, wherein the passenger compartment is separated from an engine compartment by a firewall, and wherein the passenger compartment comprises

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a floor wherein an instrument panel is attached to a dash insulator that is configured to be attached to the vehicle firewall. AAPA does not disclose ascertaining acoustic properties of the vehicle to identify portions of the dash insulator requiring sound reflection and/ or absorption, and applying sound reflection and/ or absorption material to identified portions of the dash insulator. However Nemeto et al. teaches applying sound absorption material to portions of a dashboard insulator, see column 4, lines 4-22 and column 9, lines 11-16 and 28-29. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have applied sound absorption materials to portions of the dash insulator of AAPA, in light of the teachings of Nemeto et al., in order to improve silence characteristics within the passenger compartment. Applicant should note that it is inherent that acoustic properties of the vehicle would have to be ascertained to identify portions of the dash insulator requiring sound absorption before applying the sound absorption material.

For claims 46 and 47, see column 2, lines 44-65 of Nemeto et al.

For claims 49 and 50, Applicant should note that floor coverings separately attached to dash insulators are well known in the art as attested by AAPA.

11. Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA/Nemeto et al. as applied to claim 43 above, and further in view of De Winter (US Patent 6,071,619).

AAPA/Nemeto et al. discloses a method of installing a vehicle cockpit assembly within a passenger compartment of a vehicle as shown above except for spraying polyurethane with different thicknesses to one or more portions of the dash insulator. However De

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Winter teaches applying polyurethane foam to a dashboard by spraying the foam on the dashboard, see column 6, lines 45-56. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have used sprayed on urethane foam as the sound absorption material of AAPA/Nemeto et al., in light of the teachings of De Winter, in order to improve silence characteristics of the passenger compartment. Applicant should note that the absorption material of Nemeto et al. could be applied in different thicknesses, see column 4, lines 16-21 and column 9, lines 38-60.

12. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA/Nemeto et al. as applied to claim 43 above, and further in view of Magrini (US Patent 3,910,371).

AAPA/Nemeto et al. discloses a method of installing a vehicle cockpit assembly within a passenger compartment of a vehicle as shown above except for movably attaching the instrument panel to an edge portion of the dash insulator. However Magrini teaches movably attaching an instrument panel to a dashboard, see column 1, lines 24-38.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have movably attached the instrument panel of AAPA/Nemeto et al., in light of the teachings of Magrini, in order to provide easy access to the rear of the instrument panel.

13. Claims 52 and 55, 56 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nemeto et al.

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For claim 52, AAPA discloses a method of installing a vehicle cockpit assembly within a passenger compartment of a vehicle as shown above except for ascertaining acoustic properties of the vehicle to identify portions of the dash insulator requiring sound reflection and/ or absorption, and applying sound reflection and/ or absorption material to identified portions of the dash insulator. However Nemeto et al. teaches applying sound absorption material to portions of a dashboard insulator, see column 4, lines 4-22 and column 9, lines 11-16 and 28-29. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have applied sound absorption materials to portions of the dash insulator of AAPA, in light of the teachings of Nemeto et al., in order to improve silence characteristics within the passenger compartment. Applicant should note that it is inherent that acoustic properties of the vehicle would have to be ascertained to identify portions of the dash insulator requiring sound absorption before applying the sound absorption material.

For claims 55 and 56, see column 2, lines 44-65 of Nemeto et al.

For claim 58, Applicant should note that floor coverings separately attached to dash insulators are well known in the art as attested by AAPA.

14. Claims 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA/Nemeto et al. as applied to claim 52 above, and further in view of De Winter.

AAPA/Nemeto et al. discloses a method of installing a vehicle cockpit assembly within a passenger compartment of a vehicle as shown above except for spraying polyurethane with different thicknesses to one or more portions of the dash insulator. However De Winter teaches applying polyurethane foam to a dashboard by spraying

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the foam on the dashboard, see column 6, lines 45-56. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have used sprayed on urethane foam as the sound absorption material of AAPA/Nemeto et al., in light of the teachings of De Winter, in order to improve silence characteristics of the passenger compartment. Applicant should note that the absorption material of Nemeto et al. could be applied in different thicknesses, see column 4, lines 16-21 and column 9, lines 38-60.

15. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Magrini.

AAPA discloses a method of installing a vehicle cockpit assembly within a passenger compartment of a vehicle as shown above except for movably attaching the instrument panel to an edge portion of the dash insulator. However Magrini teaches movably attaching an instrument panel to a dashboard, see column 1, lines 24-38. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have movably attached the instrument panel of AAPA, in light of the teachings of Magrini, in order to provide easy access to the rear of the instrument panel.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F (10-7:30) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Essama Omgba
Primary Examiner
Art Unit 3726

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December 14, 2004